UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

ERIC D. SMITH,   )
)
                    Petitioner,   )
v.   )   No. 2:11-cv-022-JMS-MJD
)
JAMES BASINGER,   )
)
                    Respondent.   )

Entry and Order Directing Dismissal of Action

Eric Smith is serving the executed sentence imposed by an Indiana state court following his conviction for arson. *See Smith v. State,* 779 N.E.2d 978 (Ind.Ct.App. Nov.19, 2002), *trans. denied.*

Because of his abusive litigation in federal courts, Smith has been sanctioned through the issuance of a species of restricted filer orders. The Order in Smith's case was issued by the Seventh Circuit Court of Appeals in No. 09-2444 on June 10, 2009. The text of the restrictive filer Order is the following:
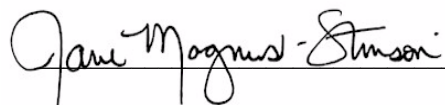
> Smith is fined $500. Until he pays that sum in full to the clerk of this court, he is barred from filing further civil suits in the courts of this circuit, in accordance with *Support Systems International v. Mack,* 345 F.3d 185 (7th Cir. 1995).

Smith has responded to the motion to dismiss. In his response, he concedes that the present action is within the scope of the above Order. He contends, however, that the above Order is invalid–"unconstitutional"–and that this court should disregard the prohibition. Smith's view of matters cannot be sustained. This court is fully bound, as are the litigants before it, by the orders of a higher court, and "[i]n a hierarchical system, decisions of a superior court are authoritative on inferior courts." *Reiser v. Residential Funding Corp.,* 380 F.3d 1027, 1029 (7th Cir. 2004). "[D]istrict judges must follow the decisions of this court whether or not they agree." *Id.*

Smith violated the Court of Appeals' Order in No. 09-2444 by submitting this action. Thereafter, the action was improvidently accepted for filing. The respondent's motion to dismiss [17] is **granted.** Any other motion is denied as moot. Judgment dismissing the action without prejudice shall now issue.

IT IS SO ORDERED.

Date: 04/28/2011

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana